

AN ACT

relating to the disposition and removal of a decedent's remains.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 711.004(a), Health and Safety Code, is amended to read as follows:

(a) Remains interred in a cemetery may be removed from a plot in the cemetery with the written consent of the cemetery organization operating the cemetery and the written consent of the current plot owner or owners and the following persons, in the priority listed:

(1) the person designated in a written instrument signed by the decedent, as described by Section 711.002(a)(1);

(2) the decedent's surviving spouse;

(3) any one of [~~(2)~~] the decedent's surviving adult children;

(4) either one of [~~(3)~~] the decedent's surviving parents;

(5) any one of [~~(4)~~] the decedent's surviving adult siblings;

(6) any one of the duly qualified executors or administrators of the decedent's estate; or

(7) any [~~(5) the~~] adult person in the next degree of kinship in the order named by law to inherit the estate of the decedent.

1 SECTION 2. Section 711.002(b), Health and Safety Code, is  
2 amended to read as follows:

3 (b) The written instrument referred to in Subsection (a)(1)  
4 may be in substantially the following form:

5 APPOINTMENT FOR DISPOSITION OF REMAINS

6 I, \_\_\_\_\_,

7 (your name and address)

8 being of sound mind, willfully and voluntarily make known my desire  
9 that, upon my death, the disposition of my remains shall be  
10 controlled by \_\_\_\_\_

11 (name of agent)

12 in accordance with Sections [~~Section~~] 711.002 and 711.004, Health  
13 and Safety Code, and, with respect to that subject only, I hereby  
14 appoint such person as my agent (attorney-in-fact).

15 All decisions made by my agent with respect to the  
16 disposition of my remains, including cremation, shall be binding.

17 SPECIAL DIRECTIONS:

18 Set forth below are any special directions limiting the power  
19 granted to my agent:

20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_

25 AGENT:

26 Name: \_\_\_\_\_

27 Address: \_\_\_\_\_

1 Telephone Number: \_\_\_\_\_

2 SUCCESSORS:

3 If my agent or a successor agent dies, becomes legally  
4 disabled, resigns, or refuses to act, or if my marriage to my agent  
5 or successor agent is dissolved by divorce, annulled, or declared  
6 void before my death and this instrument does not state that the  
7 agent or successor agent continues to serve after my marriage to  
8 that agent or successor agent is dissolved by divorce, annulled, or  
9 declared void, I hereby appoint the following persons (each to act  
10 alone and successively, in the order named) to serve as my agent  
11 (attorney-in-fact) to control the disposition of my remains as  
12 authorized by this document:

13 1. First Successor

14 Name: \_\_\_\_\_

15 Address: \_\_\_\_\_

16 Telephone Number: \_\_\_\_\_

17 2. Second Successor

18 Name: \_\_\_\_\_

19 Address: \_\_\_\_\_

20 Telephone Number: \_\_\_\_\_

21 DURATION:

22 This appointment becomes effective upon my death.

23 PRIOR APPOINTMENTS REVOKED:

24 I hereby revoke any prior appointment of any person to  
25 control the disposition of my remains.

26 RELIANCE:

27 I hereby agree that any cemetery organization, business

1 operating a crematory or columbarium or both, funeral director or  
2 embalmer, or funeral establishment who receives a copy of this  
3 document may act under it. Any modification or revocation of this  
4 document is not effective as to any such party until that party  
5 receives actual notice of the modification or revocation. No such  
6 party shall be liable because of reliance on a copy of this  
7 document.

8 ASSUMPTION:

9 THE AGENT, AND EACH SUCCESSOR AGENT, BY ACCEPTING THIS  
10 APPOINTMENT, ASSUMES THE OBLIGATIONS PROVIDED IN, AND IS BOUND BY  
11 THE PROVISIONS OF, SECTIONS [~~SECTION~~] 711.002 AND 711.004, HEALTH  
12 AND SAFETY CODE.

13 SIGNATURES:

14 This written instrument and my appointments of an agent and  
15 any successor agent in this instrument are valid without the  
16 signature of my agent and any successor agents below. Each agent,  
17 or a successor agent, acting pursuant to this appointment must  
18 indicate acceptance of the appointment by signing below before  
19 acting as my agent.

20 Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

21 \_\_\_\_\_

(your signature)

23 State of \_\_\_\_\_

24 County of \_\_\_\_\_

25 This document was acknowledged before me on \_\_\_\_\_ (date) by  
26 \_\_\_\_\_ (name of principal).

1 \_\_\_\_\_

2 (signature of notarial officer)

3 (Seal, if any, of notary)

4 \_\_\_\_\_

5 (printed name)

6 My commission expires:

7 \_\_\_\_\_

8 ACCEPTANCE AND ASSUMPTION BY AGENT:

9 I have no knowledge of or any reason to believe this  
10 Appointment for Disposition of Remains has been revoked. I hereby  
11 accept the appointment made in this instrument with the  
12 understanding that I will be individually liable for the reasonable  
13 cost of the decedent's interment, for which I may seek  
14 reimbursement from the decedent's estate.

15 Acceptance of Appointment: \_\_\_\_\_

16 (signature of agent)

17 Date of Signature: \_\_\_\_\_

18 Acceptance of Appointment: \_\_\_\_\_

19 (signature of first successor)

20 Date of Signature: \_\_\_\_\_

21 Acceptance of Appointment: \_\_\_\_\_

22 (signature of second successor)

23 Date of Signature: \_\_\_\_\_

24 SECTION 3. Section 711.002, Health and Safety Code, as  
25 amended by this Act, applies only to the validity of a written  
26 instrument executed on or after the effective date of this Act. The  
27 validity of a written instrument executed before the effective date

S.B. No. 1300

1 of this Act is governed by the law in effect on the date the  
2 instrument was executed, and that law continues in effect for that  
3 purpose.

4 SECTION 4. This Act takes effect September 1, 2023.

S.B. No. 1300

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1300 passed the Senate on March 23, 2023, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1300 passed the House on May 16, 2023, by the following vote: Yeas 141, Nays 0, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor